

House File 716 - Introduced

HOUSE FILE _____
BY MURPHY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to tort liability of municipalities for damage to
2 motor vehicles caused by towing or transporting.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2442HH 83
5 md/rj/5

PAG LIN

1 1 Section 1. Section 331.303, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 10A. Indemnify a person with whom the
1 4 county contracts to tow or transport a motor vehicle if the
1 5 person has been found liable for damages caused to the vehicle
1 6 in accordance with section 670.2A.
1 7 Sec. 2. Section 364.12, Code 2009, is amended by adding
1 8 the following new subsection:
1 9 NEW SUBSECTION. 8. A city shall indemnify a person with
1 10 whom the city contracts to tow or transport a motor vehicle if
1 11 the person has been found liable for damages caused to the
1 12 vehicle in accordance with section 670.2A.
1 13 Sec. 3. NEW SECTION. 670.2A DAMAGE TO VEHICLES ==
1 14 TOWING.
1 15 1. Notwithstanding any provision of law to the contrary, a
1 16 municipality is liable for damages to a motor vehicle caused
1 17 by towing or transporting the motor vehicle for a violation of
1 18 law or violation of a municipal ordinance. Liability imposed
1 19 under this section includes towing or transporting by officers
1 20 or employees of the municipality acting within the scope of
1 21 their employment or duties and by persons under contract with
1 22 the municipality to tow and transport motor vehicles in
1 23 violation of law or ordinance.
1 24 2. A municipality shall indemnify a person with whom the
1 25 municipality contracts to tow or transport a motor vehicle if
1 26 the person has been found liable for damages caused to the
1 27 motor vehicle.

EXPLANATION

1 28 This bill imposes liability on a municipality for damages
1 29 to a motor vehicle caused by towing or transporting the motor
1 30 vehicle for a violation of law or violation of a municipal
1 31 ordinance. Under the bill, a municipality is liable for
1 32 damages to a motor vehicle that was towed or transported by an
1 33 officer or employee of the municipality acting within the
1 34 scope of their employment or duties, or by a person with whom
2 1 the municipality contracts.
2 2 The bill requires the municipality to indemnify a person
2 3 with whom the municipality contracts to tow or transport a
2 4 motor vehicle if the person has been found liable for damages
2 5 caused to the motor vehicle.
2 6 Under Code chapter 670, "municipality" means city, county,
2 7 township, school district, and any other unit of local
2 8 government except soil and water conservation districts.
2 9 LSB 2442HH 83
2 10 md/rj/5